

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litigation*, MDL 2817

No. 1:18-CV-864

This document relates to:

Hon. Robert M. Dow, Jr.

ALL PENDING ACTIONS

Magistrate Judge Jeffrey T. Gilbert

**CDK GLOBAL, LLC'S RESPONSE TO NON-PARTY AUTOMATE, INC.'S
SEPTEMBER 9, 2020 CORRESPONDENCE (DKT. 1170)**

CDK Global, LLC hereby provides this response to non-party AutoMate, Inc.'s September 9, 2020 correspondence (Dkt. 1170), which CDK understands is being treated by the Court as a motion for relief. CDK respectfully states as follows:

1. After receiving a copy of AutoMate's September 9, 2020 letter, counsel for CDK sent AutoMate's counsel the response attached hereto as Exhibit 1, which confirms that CDK has not (either directly or through Mayer Brown) provided a copy of AutoMate's production of discovery in this MDL or the transcript from its deposition to the Federal Trade Commission. Nor has CDK provided the aforementioned documents to any other party not authorized to access them under Paragraphs 5(b) and 5(c) of the Agreed Confidentiality Order (Dkt. 650).

2. Rather, based on the responses that AutoMate has received from counsel for MDL Plaintiffs (Dkt. 1170 at 7-8) and The Reynolds and Reynolds Company, it appears that MDL Plaintiffs provided a copy of AutoMate's deposition transcript and accompanying exhibits to the FTC in January 2019, and Reynolds provided a copy of Auto/Mate's MDL production and

deposition transcript to the FTC in or about May 2019 after providing notice to AutoMate in advance of the production and allowing AutoMate an opportunity to object.

3. In light of the foregoing, there is no basis for any allegations that CDK has violated the Agreed Confidentiality Order.

Dated: September 11, 2020

Respectfully submitted,

/s/ Britt M. Miller

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CERTIFICATE OF SERVICE

I, Britt M. Miller, an attorney, hereby certify that on September 11, 2020, I caused a true and correct copy of the foregoing **CDK GLOBAL, LLC'S RESPONSE TO NON-PARTY AUTOMATE, INC.'S SEPTEMBER 9, 2020 CORRESPONDENCE (DKT. 1170)** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system. In addition, a courtesy copy of this filing is also being served on counsel for non-party AutoMate, Inc. via email and conventional mail.

/s/ Britt M. Miller

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